

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Branko KOVACEVIC et al.

For: METHOD AND SYSTEM FOR HANDLING DATA

App. No.: 09/491,121 Filed: 01/24/2000

Examiner: AN, Shawn S. Group Art Unit: 2613

Customer No.: 34456 Confirmation No.: 8119

Atty. Dkt. No.: 0100.0000010

(1376-0000010)

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**REPLY TO EXAMINER'S ANSWER**

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## **REPLY TO REMARKS MADE IN EXAMINER'S ANSWER**

The Examiner's Answer mailed November 26, 2007 has been received and carefully considered. The Appellants provide the following remarks in response to particular issues raised in the Examiner's Answer.

### **A. The Office Mischaracterizes the Appellants' Statement Regarding Hoogenboom**

At page 5 of the Examiner's Answer, the Office characterizes the Appeal Brief as asserting that Hoogenboom fails to mention a header at all. It is respectfully submitted that this is a mischaracterization of the Appellants' arguments. Rather, a review of the statements made at pages 5 and 6 of the Appeal Brief reveal that the Appellants merely noted that the passages of Hoogenboom relied upon by the Office fail to disclose or suggest analyzing a header before a payload header is received, and that a *particular passage* of Hoogenboom relied upon by the Examiner (i.e., the passage of Hoogenboom at col. 9, lines 25-27 cited by the Office) failed to disclose or suggest a header at all. At no point in the Appeal Brief did the Appellants assert that Hoogenboom, as a whole, failed to disclose or suggest a header.

### **B. The Office Improperly Interprets Hoogenboom as Teaching the Analysis of a Packet Header Before Receiving a Payload Header**

Claim 22 recites the limitations of a first parser means for analyzing a header of a data packet **before a payload header is received**. As discussed at pages 4-6 of the Appeal Brief, Hoogenboom fails to disclose or suggest these limitations. The Office responds in the Examiner's Answer by asserting that the process of detecting a payload unit start indicator in the transport header so as to determine whether the payload of the transport packet contains a PES header meets the limitation of analyzing a header of a data packet before a payload header is received. *Examiner's Answer*, pp. 5-6. However, it is respectfully submitted the disclosure of Hoogenboom or the knowledge of one of ordinary skill in the art provides insufficient basis for the Office's interpretation.

Turning to the passage of Hoogenboom at col. 9, lines 28-31 and 34-37 cited by the Office in the Examiner's Answer, these passages state:

FIG. 3 illustrates the processing of video transport packets by a video decompression processor, such as that illustrated in FIG. 1. *A plurality of transport packets 80 are received by the transport syntax parser 32*, which strips the payload information that is necessary from successive transport packets to reconstruct a PES payload 74. The information in the transport headers 82 is used to identify the payload information 84 and enables the reconstruction of the PES payload data 74 as well as the PES header 72. As indicated above, the PES packets are aligned such that when they are divided into transport payloads, the first byte of every PES header is located in the first payload position of some transport packet. Upon detecting a payload unit start indicator in the transport header, the transport syntax parser will know that the first portion of the payload in that transport packet will contain the PES header.

*Hoogenboom*, col. 9, lines 23-38 (emphasis added).

This passage of Hoogenboom provides that “a plurality of transport packets 80 are received by the transport syntax parser 32, which strips payload information . . . .” There is no disclosure or suggestion in this passage that any analysis or other processing of a “transport packet 80” begins before the entire transport packet is received, much less before the payload header is received. As noted at page 6 of the Appeal Brief, one of ordinary skill in the art will appreciate that a transport packet conventionally is received in its entirety (e.g., so that a cyclical redundancy check may be performed) and buffered before the transport packet is parsed. There is nothing in Hoogenboom to support the conclusion that Hoogenboom is inconsistent with this conventional process of receiving and buffering a transport packet in its entirety before any analysis of the packet occurs. Thus, the Office errs in its assertion that Hoogenboom teaches any analysis of the header of a packet *before* the payload header of the packet is received.

### C. The Office Improperly Interprets Hoogenboom as Teaching a Second Parser Means Physically Separate from a First Parser Means

Claim 22 further recites the limitations of a second parser means *physically separate* from the first parser means. As discussed at page 6 of the Appeal Brief, although elements 32 and 40 (alleged by the Office to be the claimed first and second parser means, respectively) are illustrated as separate features in Figure 1, the *Hoogenboom* reference characterizes Figure 1 as a “block diagram of a video decompression monitor . . . .” and thus illustrates the functional, but not physical, layout of the video decompression monitor (*citing Hoogenboom*, col. 5, lines 43-45). The Office responds by attempting to analogize between Hoogenboom and the present

application by asserting that the layout of Fig. 1 of Hoogenboom is substantially the same as the layout of Fig. 5 of the present application and therefore Hoogenboom teaches that the elements 32 and 40 are physically separate. It is respectfully submitted that the Office's analogy errs in a critical aspect: Hoogenboom fails to disclose or suggest any physical relationship between any of the elements of Fig. 1, whereas the present application expressly provides that the first and second parser means can be physically separate (*see, e.g., Present Application*, p. 15, lines 1-10, Abstract, and original claims 13, 19, and 22). Thus, the Office's reliance on any similarities between figures of the present application and Hoogenboom in asserting that Hoogenboom discloses or suggests physically separate parser means is in error and is merely an improper hindsight reconstruction of Hoogenboom in view of the teachings of the present application.

D. The Office Improperly Interprets Hoogenboom as Teaching Analyzing at Least a Portion of a First N Data Blocks After the Start of a Data Packet to Determine a Data Type of a Subsequent Data Block of the Data Packet, Wherein the Subsequent Data Block is After the First N Data Blocks

Claim 16 recites the limitations of analyzing at a first parser at least a portion of a first N data blocks *after the start of a data packet* to determine a data type of a subsequent data block of the data packet, wherein the subsequent data block is after the first N data blocks. At page 6 of the Examiner's Answer, the Office notes that Hoogenboom teaches "a sequence header being part of the video syntax carried in the PES payload" and that the sequence header "identifies (analyzes parameters of the picture so that DRAM can properly map to store data for decompression of compressed video (col. 10, lines 18-16), and upon initialization of the memory map, the parser looks for the picture header in order to commence decompression of the video data (col. 10, lines 22-27)" (emphasis in original). Even if it is assumed, *arguendo*, that the Office's characterization of the sequence header and the picture header in the context of Hoogenboom is correct, claim 16 provides that the first parser analyzes at least a portion of the first N data blocks after the start of a data packet and the Office fails to establish that either the sequence header and the picture header are at the start of a data packet as would be consistent with claim 16.

E. Conclusion

For the reasons given above, the Appellants respectfully request reconsideration and allowance of all claims and that this patent application be passed to issue.

Respectfully submitted,

January 9, 2008

Date

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